

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

MARKS, INC.,

Bankruptcy No. 17-23657-GLT

Debtor.

Chapter 11

**Related to Doc. Nos. 109, 110, 111,
112**

**Plan Confirmation Hearing
Date and Time:
August 17, 2018 at 11:00 a.m.**

PLAN BALLOT SUMMARY

1. Have all impaired classes accepted the plan in satisfaction of 11 U.S.C. § 1129(a)(8) for confirmation? **Yes**
2. Is a cramdown requested? **Yes (if necessary)**
3. Identify unimpaired classes by class numbers: **1 through 8**
4. Identify impaired classes by class numbers: **9**
5. Has any impaired class accepted the Plan? **Yes**
6. Below is a summary of the ballots by claim:

<u>Name</u>	<u>Class</u>	<u>Amount</u>	<u>Vote</u>
Brandywine Agency, Inc.	9	\$38,209.76	ACCEPTS
Eby-Brown Company, LLC	9	\$41,048.00	ACCEPTS
Frito-Lay North America, Inc.	9	\$619.61	ACCEPTS
Frito-Lay North America, Inc.	7	\$303.99	ACCEPTS
Bottling Group, LLC	9	\$2,776.58	ACCEPTS
Bottling Group, LLC	7	\$2,407.83	ACCEPTS

7. Pursuant to 11 U.S.C. §1126, only the actual ballots cast are counted to determine whether a given class has voted to accept or reject the Plan. Section 1126 (c) provides that a class of claims will have accepted the Plan if voting creditors in such class holding **at least two thirds amount and more than one-half in number** have voted to accept the Plan. Class acceptance by a class of interests is governed by §1126(d), requiring that holders of interests holding **at least two-thirds in amount** accept the Plan.

The following is a summary by creditor class of the ballots:

Class	NUMBER				AMOUNT		
	Impaired?	Total number of claims voted by members of class (N)	Number of claims voted in favor of accepting the plan (A) and rejecting the plan (R)	Percentage accepting (A + N)	Aggregate dollar amount of claims voted by members of class (Amt)	Aggregate dollar amount of claims voted in favor of accepting the plan(A) and rejecting the plan (R)	Percentage accepting (A+Amt)
7	No	2	(A) 2 (R) 0	100%	\$2,711.82	A 2,711.82 R 0	100%
9	Yes	4	(A) 4 (R) 0	100%	\$82,653.95	A 82,653.95 R 0	100%

Respectfully Submitted,

Date: August 10, 2018

/s/ Robert O Lampl
ROBERT O LAMPL
PA I.D. #19809
JOHN P. LACHER
PA I.D. #62297
DAVID L. FUCHS
PA I.D. #205694
Counsel for the Debtor
223 Fourth Avenue, 4th Floor
Pittsburgh, PA 15222
(412) 392-0330 (phone)
(412) 392-0335 (facsimile)
Email: rlampl@lampllaw.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:)	Bankruptcy No. 17-23657-GLT
)	
MARKS, INC.,)	Chapter 11 – Small Business
)	
Debtor.)	Related to Doc. Nos.
)	109, 110, 111, 112
)	
)	Hearing Date and Time:
)	August 17, 2018 at 11:00 A.M.

BALLOT FOR ACCEPTING OR REJECTING PLAN

Filed by: Brandywine Agency Inc.

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class and the holders of two-thirds in amount of equity security interests of each impaired class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may, nevertheless, confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class rejecting it and otherwise satisfies the requirements of 1129(b) of the Code. To have your vote count, you must complete and return this Ballot.

[If the holder of general claim] The undersigned, a Creditor of the above Debtor, in the unpaid principal amount of \$38,209.76,

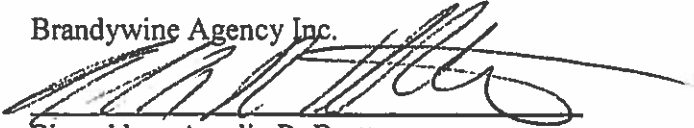
[If equity security holder] The undersigned, the holder of (state number) _____ shares of (describe type) _____ stock of the above named Debtor, represented by certificate(s) no. _____,

☒ Accepts
☐ Rejects

the Plan of Reorganization of the Debtor.

Dated: August 3, 2018

Brandywine Agency Inc.


Signed by: Amelia R. Brett
Title: Attorney for Brandywine Agency Inc.
Address: Four Gateway Center, Suite 2200
444 Liberty Avenue
Pittsburgh, PA 15222

PLEASE RETURN COMPLETED BALLOT TO:

ROBERT O. LAMPL LAW OFFICE
223 Fourth Avenue, 4th Floor
Pittsburgh, PA 15222
(412) 392-0330 (Phone)
(412) 392-0335 (Facsimile)
Email: rlampl@lampllaw.com
Attn: John P. Lacher

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

MARKS, INC.,

Debtor.

Bankruptcy No. 17-23657-GLT

Chapter 11 – Small Business

Related to Doc. Nos. 109, 110,
111, 112

Hearing Date and Time:
August 17, 2018 at 11:00 a.m.

BALLOT FOR ACCEPTING OR REJECTING PLAN

Filed by: Ebby-Brown

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class and the holders of two-thirds in amount of equity security interests of each impaired class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may, nevertheless, confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class rejecting it and otherwise satisfies the requirements of 1129(b) of the Code. To have your vote count, you must complete and return this Ballot.

[If the holder of general claim] The undersigned, a Creditor of the above Debtor, in the unpaid principal amount of \$ 41,048.00.

[If equity security holder] The undersigned, the holder of (state number) _____ shares of (describe type) _____ stock of the above named Debtor, represented by certificate(s) no. _____,

✓ ACCEPTS

_____ REJECTS

the Plan of Reorganization of the Debtor.

Dated: 8-6-18

PRINT OR TYPE COMPANY NAME

EBV-Brown

Signed by: Patty Michalski

Title: Credit Manager

Address: 920 Truist Bank Rd
West Mifflin, PA 15122

PLEASE RETURN COMPLETED BALLOT TO:

ROBERT O LAMPL LAW OFFICE
223 Fourth Avenue, 4th Fl.
Pittsburgh, PA 15222
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(412) 392-0335 (facsimile)
Email: rlampl@lampllaw.com
Attn: John P. Lacher

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

MARKS, INC.,

Debtor.

Bankruptcy No. 17-23657-GLT

Chapter 11 – Small Business

Related to Doc. Nos. 109, 110,
111, 112

Hearing Date and Time:
August 17, 2018 at 11:00 a.m.

BALLOT FOR ACCEPTING OR REJECTING PLAN

Filed by: Frito-Lay North America, Inc.

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class and the holders of two-thirds in amount of equity security interests of each impaired class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may, nevertheless, confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class rejecting it and otherwise satisfies the requirements of 1129(b) of the Code. To have your vote count, you must complete and return this Ballot.

[If the holder of general claim] The undersigned, a Creditor of the above Debtor, in the unpaid principal amount of \$ 923.60 (~~\$303.99~~ entitled to priority under section 503(b)(9))

[If equity security holder] The undersigned, the holder of) state number) _____ shares of (describe type) _____ stock of the above named Debtor, represented by certificate(s) no. _____,

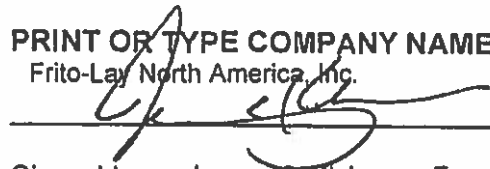
☒ ACCEPTS

☐ REJECTS

the Plan of Reorganization of the Debtor.

Dated: 8/9/18

PRINT OR TYPE COMPANY NAME
Frito-Lay North America, Inc.


Signed by: Jeremy C. Kleinman, Esq.
Title: Counsel to Frito-Lay North America, inc.
Address: FrankGecker LLP
325 North LaSalle Street, Suite 625
Chicago, Illinois 60654

PLEASE RETURN COMPLETED BALLOT TO:

ROBERT O LAMPL LAW OFFICE
223 Fourth Avenue, 4th Fl.
Pittsburgh, PA 15222
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Email: rlampl@lampllaw.com
Attn: John P. Lacher

UNITED STATES BANKRUPTCY COURT
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IN RE:

MARKS, INC.,

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111, 112

Hearing Date and Time:
August 17, 2018 at 11:00 a.m.

BALLOT FOR ACCEPTING OR REJECTING PLAN

Filed by: Bottling Group, LLC

The Plan referred to in this Ballot can be confirmed by the Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each class and the holders of two-thirds in amount of equity security interests of each impaired class voting on the Plan. In the event the requisite acceptances are not obtained, the Court may, nevertheless, confirm the Plan if the Court finds that the Plan accords fair and equitable treatment to the class rejecting it and otherwise satisfies the requirements of 1129(b) of the Code. To have your vote count, you must complete and return this Ballot.

[If the holder of general claim] The undersigned, a Creditor of the above Debtor, in the unpaid principal amount of \$ 5,184.41 (\$2,407.83 entitled to priority under section 503(b)(9)

[If equity security holder] The undersigned, the holder of) state number) shares of (describe type) stock of the above named Debtor, represented by certificate(s) no. .

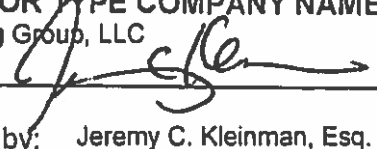
 ACCEPTS

 REJECTS

the Plan of Reorganization of the Debtor.

Dated: 8/9/18

PRINT OR TYPE COMPANY NAME
Bottling Group, LLC


Signed by: Jeremy C. Kleinman, Esq.
Title: Counsel to Bottling Group, LLC
Address: FrankGecker LLP
325 North LaSalle Street, Suite 625
Chicago, Illinois 60654

PLEASE RETURN COMPLETED BALLOT TO:

ROBERT O LAMPL LAW OFFICE
223 Fourth Avenue, 4th Fl.
Pittsburgh, PA 15222
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IN RE:

MARKS, INC.,

Debtor.

Bankruptcy No. 17-23657-GLT

Chapter 11

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Plan Confirmation Hearing

Date and Time:

August 17, 2018 at 11:00 a.m.

CERTIFICATE OF SERVICE

Robert O Lampl, John P. Lacher and David L. Fuchs, hereby certify, that on the 10th day of August, 2018, a true and correct copy of the foregoing **PLAN BALLOT SUMMARY** was served upon the following (*via electronic service*):

Office of the U.S. Trustee
Liberty Center, Suite 970
1001 Liberty Avenue
Pittsburgh, PA 15222

Date: August 10, 2018

/s/ Robert O Lampl
ROBERT O LAMPL
PA I.D. #19809
JOHN P. LACHER
PA I.D. #62297
DAVID L. FUCHS
PA I.D. #205694
Counsel for the Debtor
223 Fourth Avenue, 4th Floor
Pittsburgh, PA 15222
(412) 392-0330 (phone)
(412) 392-0335 (facsimile)
Email: rlampl@lampllaw.com